

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MICHAEL G. CARY, SR., #15321-078 §

VS. § CIVIL ACTION NO. 4:09cv561  
UNITED STATES OF AMERICA § CRIM. NO. 4:08CR0093-001

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the motion to vacate, set aside or correct Cary's sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

**SIGNED** this the 26th day of March, 2013.

Richard A. Schell  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE